

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

John Stephen Woodward PID #224783
Plaintiff,

vs.

Case No. 0:18-cv-03263 WRM-BRT

DEMAND FOR JURY TRIAL
YES____ NO_X____

Sam Asure, individually;
Robert J. Vogelsberg, individually;
Mark Krenik, individually;
Thomas Jackson, individually

Defendants.

**PLAINTIFF'S FIRST AMENDED COMPLAINT
FOR VIOLATION OF CIVIL RIGHTS UNDER
42 U.S.C. § 1983**

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment in the last three years?

☐ Yes

☒ No

B. If you answer to (a) is "yes", describe each lawsuit in the space below.

1. Parties to the previous lawsuit:

Plaintiffs:

Defendants:

2. Court (If federal court, name the district. If state court, name the state and county.):

3. Case Number:

4. Name of judge assigned to the case:

5. Cause of action (Cite the statute under which you filed and write a brief statement of the case):

6. Disposition or final determination of the case (for example, dismissed or appealed).

7. Approximate date of filing the lawsuit:

8. Approximate date of disposition or final determination of the lawsuit:

Attach a copy of the disposition or final determination of the lawsuit if it was filed in a court other than the U.S. District Court for the District of Minnesota.

If there was more than one lawsuit, describe the additional lawsuits on a separate sheet of paper answering the same questions in the same order as above in Question 1(b). Label this information as Question 1(b).

Check here if additional sheets of paper are attached.

II. PRESENT PLACE OF CONFINEMENT

A. Is there a prisoner grievance procedure in the institution?

☒ Yes

☐ No

B. Did you present the facts relating to your complaint in the prisoner grievance procedure?

☐ Yes

No – Not Applicable in this Situation

C. If you answered “yes” to question II.B.:

1. What steps did you take:

2. What was the result?

Attach a copy of the decision or disposition received from the prisoner grievance procedure.

D. If you answered “no” to question II.B., explain why you did not present the facts relating to your complaint in a prisoner grievance procedure.

Not applicable, involving and active police investigation at the time.

This was an ongoing police investigation, where the facts of the issue were presented to Mark Krenik

of the Faribault Police Department and Sam Azure Office of Special Investigations for MCF-

Faribault Prison.

III. PARTIES

List your name, prisoner number, address and telephone number. Do the same for any additional plaintiffs. Attach an additional sheet of paper, if necessary.

A. Name of Plaintiff: John Stephen Woodward

Prisoner Number 224783

Address 5329 Osgood Avenue North, Stillwater, MN 55082

Additional Plaintiffs:

Provide each defendant's full name, official position, and place of employment. Attach additional sheets of paper, if necessary.

B. Name: Sam Azure

Official Position: OSI Investigator for MN DOC at MCF -Faribault

Employer's Address: MCF-Faribault; 1101 Linden Lane, Faribault, MN 55021

Additional Defendants:

Name: Mark Krenik,

Official Position: Detective Faribault Police Department

Employer's Address: 25 4h St NW, Faribault, MN 55021

Name: Robert Vogelsberg

Official Position: Detective Faribault Police Department

Employer's Address: 25 4th St NW, Faribault, MN 55021

Name: Thomas Jackson

Official Position: Informant, MN Prisoner

Employer's Address: Currently incarcerated at Central Maryland Correctional Facility, 7301 Buttercup Road, Sykesville, MD 2784

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper as II.A. for Plaintiffs and II.B. for Defendants.

IV. STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. Describe how each individual defendant is personally involved, including dates, places and specific wrongful acts or omissions by each defendant. Each factual allegation should be provided in separately lettered paragraphs, beginning with letter A. Do not make any legal arguments or cite any cases or statutes.

A. **Sam Azure** – Gross negligence. Violated Plaintiff’s 6th and 14th Amendment rights under the United States Constitution by knowingly and deliberately allowing the spoilage of exonerating audio evidence, and manufactured evidence, resulting in obstruction of justice;

B. **Mark Krenik** – Gross Negligence. Violated Plaintiff’s 6th and 14th Amendment rights under the United States Constitution by knowingly and deliberately allowing the spoilage of exonerating audio evidence, and manufactured evidence, resulting in obstruction of justice;

On or about July 2010 Plaintiff met with Krenik and Azure. The audio recording from the meeting shows Plaintiff advising Krenik and Azure where in the audio recordings between Plaintiff and Jackson he clearly stated he wanted nothing to do with a murder for hire plot. Plaintiff references the time and date on the audio recordings. Neither Krenik or Azure followed up on this information. Instead these individuals allowed or participated in the spoliation of exculpatory evidence. Plaintiff then participated in a jury trial that began during the last week of November 2012. The evidence that was submitted to Plaintiff’s counsel shortly before trial did not have the audio from the date of the tapes that Plaintiff requested, because they were destroyed. Plaintiff had advised the officers to obtain this information months before they were destroyed. The audio tapes that were provided between Thomas Jackson and Plaintiff not only were just redacted but the state produced a “redacted redacted” version after acknowledging some basic redactions. The last minute move impacted Plaintiff’s 6th and 14th amendment rights. It is alleged that Azure manipulated the tapes

C. **Robert Vogelsberg** – *Knowingly proceeded to obstruct justice, acting deliberately, in concert with Thomas Jackson, to withhold and manipulate discovery evidence.* Threatened and intimidated Thomas Jackson to proceed with criminal investigation against Plaintiff while Plaintiff was inmate at MCF-Faribault. Plaintiff has been advised that Robert Vogelsberg will participate in a deposition under oath stating that the evidence used against

Plaintiff in Plaintiff's present conviction, obtained while Plaintiff was an inmate at MCF Faribault, was manufactured. Robert Vogelsberg has never been deposed to date regarding Plaintiff or his claims. Vogelsberg has since been relieved of duties of a licensed officer. *Attached as an exhibit is a recent separate federal lawsuit against Vogelsberg for multiple acts of corruption, when acting as a law enforcement officer. Vogelsberg continued to obstruct justice by threatening Thomas Jackson to proceed unethically and illegally against Plaintiff.* These acts violated Plaintiff's 6th and 14th Amendment rights;

D. **Thomas Jackson** – Violated Plaintiff's 14th Amendment rights by knowingly deliberately tampering with evidence, later used against Plaintiff. Jackson, has since acknowledged this behavior in writing and it is necessary to depose him in relation to his involvement and his allegation that Vogelsberg threatened him to manufacture the case against Plaintiff. It is alleged in the alternative that Jackson manipulated the recording of the tapes with an on/off switch in the recording device. See Attached Exhibits.

attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: ☐

Please label the attached sheets of paper to as Additional Facts and continue to letter the paragraphs consecutively.

V. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you. Do not make any legal arguments or cite any cases or statutes.

This specific lawsuit seeks declaratory and injunctive relief, not monetary damages or a reversal of Plaintiff's convictions. Plaintiff seeks a discovery plan allowing Plaintiff to compel Defendants' depositions and other discovery to resolve factual disputes regarding the civil rights violations perpetrated against Plaintiff by Defendants. A large investigation was completed by retired Ramsey County Sheriff's Deputy Don Sazma (30 year veteran) now with Metro SIU Investigations. His investigation and that of the reputable forensics firm Kessler International, show how the evidence in this case was manufactured. See attached exhibit/affidavit.

I hereby certify under penalty of perjury that the above complaint is true to the best of my information, knowledge, and belief.

12/19/2018 s/John Stephen Woodward
Plaintiff

12/19/2018 s/Christopher J. Perske

Christopher J. Perske (#0347164)
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